

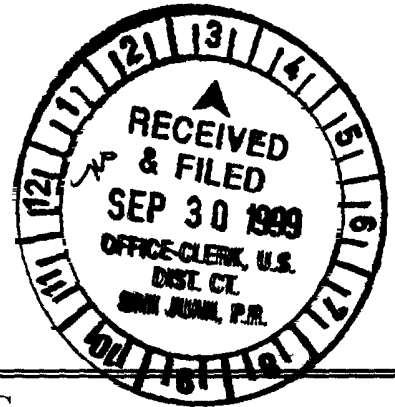
**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

HOWE INVESTMENTS, INC.
Plaintiff

v.

PEREZ & CIA. DE PUERTO RICO, INC.
Defendant

Civil No. 97-1864(SEC)



ORDER

MOTION

RULING

**Docket #34
Defendants' Motion to Reconsider
Dismissal of Claims Without
Prejudice**

Denied. Plaintiff correctly asserts that under Fed.R.Civ.P. 41(a)(1)(i) plaintiff may voluntarily dismiss without prejudice as a matter of right if a defendant has not yet answered the complaint or otherwise plead.

**Docket #39
Defendant's Motion to Compel
Discovery and for Reimbursement of
Expenses Incurred Because of
Witness' Failure to Appear at
Deposition**

Denied. Contrary to defendants' assertion that he is an agent of plaintiff corporation, Mr. MacCohon is not a party to the present suit. Therefore, defendants are required to serve a subpoena upon him pursuant to Fed.R.Civ.P. 45 in order to compel him to appear for a deposition.

**Docket #47
Motion for Leave to File Reply
Memorandum to Opposition to
Motion to Disqualify Attorney Cerezo
as Plaintiff's Counsel**

Granted. The Clerk of Court shall file the tendered reply memorandum.

**Docket #50
Motion for Leave to File Reply
Memorandum to Opposition to
Motion to Compel**

Moot. See order regarding Docket #39 above.

**Docket #51
Motion for Extension of Time to File
Dispositive Motions**

Moot.

**Docket #52
Motion Requesting Extension of Time
to Answer Defendant's Second Set of
Interrogatories**

Moot.

7

Civil No. 97-1864(SEC)

2


MOTION	RULING
Docket #54 Plaintiff's Motion for Leave to File Sur-reply to Reply to Opposition to Motion to Disqualify Attorney Cerezo as Plaintiff's Counsel	Granted. The Clerk of Court shall file the tendered sur-reply memorandum.
Docket #56 Defendant's Motion Seeking Hearing Regarding the Motion for Disqualification of Attorney Cerezo as Plaintiff's Counsel	Granted. Defendant's motion seeking the disqualification of Attorney Benny Frankie Cerezo (Docket #38) is hereby REFERRED to Magistrate Justo Arenas for the holding of a hearing and the issuance of a Report and Recommendation.
Docket #57 Motion for Extension of Time to File Dispositive Motions	Moot.
Docket #59 Motion to Strike Motion for Summary Judgment	Denied.
Docket #60 Plaintiff's motion to request not having to file an opposition to defendant's motion for summary judgment until the Court rules on the motion to strike	Moot. See Docket #70, Plaintiff's Opposition to Motion for Summary Judgment.
Docket #62 Motion for Extension of Time to File Pretrial Order until the Court decides the pending motion for summary judgment	Granted. Once the Court rules on the pending motions for summary judgment, it shall issue an order requiring parties to file the Pretrial Order.
Docket #64 Defendant's Motion for Extension of Time to File Opposition to Plaintiff's Motion for Summary Judgment	Moot.
Docket #65 Motion Requesting Order that Plaintiff file an Opposition to Defendant's Motion for Summary Judgment	Moot. See Docket #70.

Civil No. 97-1864(SEC)

3

MOTION	RULING
Docket #66 Defendant's Motion to Strike Plaintiff's Motion for Summary Judgment	Denied.
Docket #71 Plaintiff's Motion Requesting Leave to File Reply to Defendant's Opposition to Plaintiff's Motion for Summary Judgment	Granted. The Clerk of Court shall file the tendered memorandum.
Docket #73 Defendant's Motion Requesting Leave to File Sur-reply to Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Summary Judgment	Granted. The Clerk of Court shall file the tendered memorandum. The matter now stands submitted.

DATE: September 30, 1999.



SALVADOR E. CASELLAS
United States District Judge